

ECFiler Update

April 2011

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CM/ECF Version 4.1

In the near future, the Western District will implement the latest version of the Case Management/Electronic Case Filing (CM/ECF) software. Attorneys should ensure that their bankruptcy case software is compliant with CM/ECF Version 4.1 when the change occurs. **Notice will be given prior to the upgrade. Bankruptcy software should not be upgraded to CM/ECF 4.1 until the Court sends notification of the date of the upgrade.** CM/ECF 4.1 will provide the following features for attorney filers:

- **Password Security:** New passwords will be required having a minimum of eight characters including upper and lower case characters and one number or special symbol.

- **Sealed Filings:** If a filing is sealed, a Notice of Electronic Filing (NEF) is sent only to the persons who have access to the document. Sealed filings will appear on the docket but access to the documents will be restricted. Sealed filings will be marked with a padlock icon.
- **Internet Payments:** Attorneys will be permitted to use more than one credit card for payment. The payment of certain fees can be delayed; however, attorneys will be locked out of CM/ECF if they fail to pay all fees by midnight of the day the fees are incurred.
- **Email Notifications:** Attorneys may opt to exclude NEF's from related cases. The BNC Certificates of Notice will list parties who received NEF notification or will include a notation that a party has elected not to receive notification on a case. The Court may select critical events on which the attorney override option is not permitted.
- **Filing Agents:** CM/ECF Version 4.1 permits a user to establish a filing agent, or another user account, that is permitted to file on behalf of the user but using a different login. Attorneys (and trustees) can create filing agents in their CM/ECF accounts. A filing agent can be assigned to more than one attorney and attorneys may have more than one filing agent. The docket will reflect that the filing was made by the attorney. Filing agents may change users without logging out and back into CM/ECF. With this change, a legal assistant is permitted to file for an attorney, the docket will indicate that the attorney filed the document, and the assistant can have a login that is different and separate from the attorney's login.
- **Adversary Proceedings:** Attorneys for the plaintiff will no longer be required to add themselves to the case. Plaintiff's attorneys will not be permitted to add defense counsel. However, defense counsel may be added in removal actions.
- **Access to documents on the PACER (Public Access to Court Electronic Records) website will change.** The change is made to prevent access to personally identifiable information that appears in PACER records. Access to documents filed prior to December 1, 2003 in cases that have been closed for more than one year will be restricted except:
 - Docket sheet and docket information
 - To any party who filed a notice of appearance
 - To all Court Clerks except for documents filed under seal

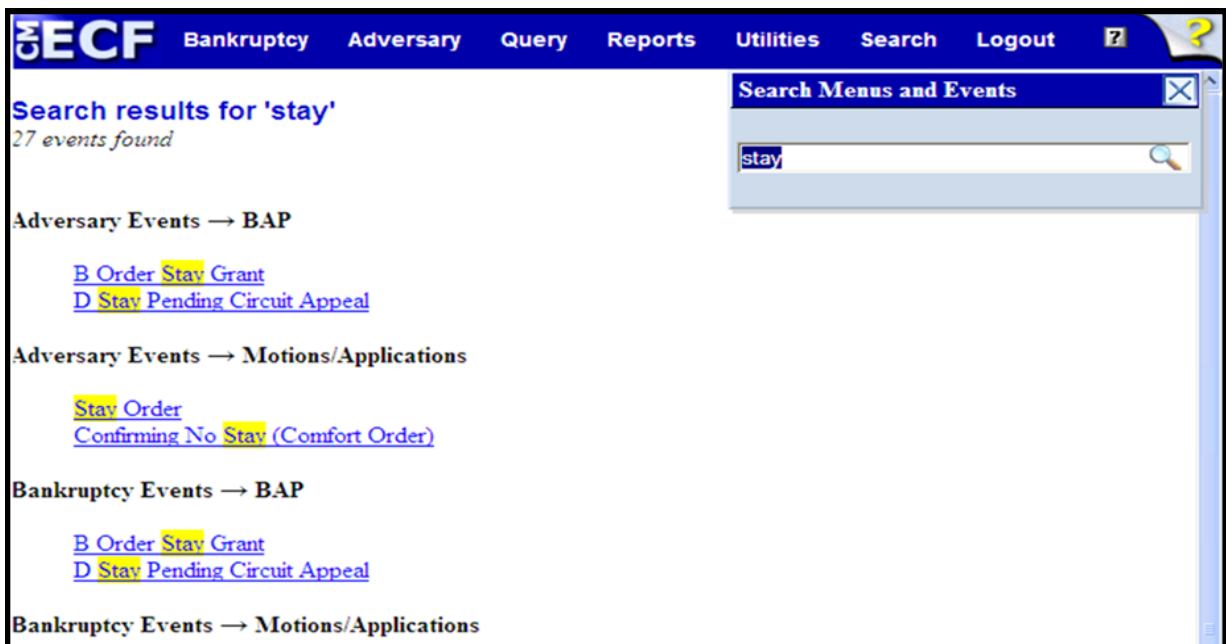
Access to documents in bankruptcy case appeals filed in the district courts, bankruptcy appellate panels, or courts of appeal that were filed prior to December 1, 2003 will be similarly restricted.

CM/ECF Search Feature

Many CM/ECF users are unfamiliar with its Search Tool. The search feature can be used to locate the correct event to use when filing a pleading. To access the search tool, login into CM/ECF. The search tool appears at the top right side of the CM/ECF tool bar:



The results are displayed: (Partial Page shown only as an example)



BNC Certificates of Notice

BNC Certificates of Mailing are now entitled Certificates of Notice and include the persons or entities served electronically. The list of parties served now appears before the copy of the document served.

With the implementation of CM/ECF 4.1, the BNC bypass notice (of undeliverable mail) will be sent to attorneys electronically, rather than by mail. This will be helpful to attorneys who must attach a bypass notice to correct a matrix.

2011 Poverty Guidelines

A link to the 2011 Poverty Guidelines has been added to the Court's website at Court > BAPCPA > 2011 Poverty Guidelines or <http://www.okwb.uscourts.gov/bapcpa.asp>. Or, you can link directly to the national site at <http://aspe.hhs.gov/poverty/11poverty.shtml>.

Electronic Recording in Judge Jackson's Courtroom

Judge Jackson has recently implemented electronic recording in his courtroom. Court reporters will be used ONLY if the parties arrange and pay for a court reporter.

To order a transcript that has been recorded, use the form found on the Court's website Court > Resources > Forms > Local Forms #14, Transcript/Audio CD Request, http://www.okwb.uscourts.gov/forms_pubs.asp.

If a transcript is needed from testimony taken by a court reporter, use the form, Notice of Transcript Order/Certificate of Estimated Completion found on the same web page.

Post-Confirmation Compensation

When requesting post-confirmation compensation, please include your request in the **title** of the pleading being filed, e.g. Motion to Modify Confirmed Chapter 13 Plan and Application for Compensation.

Notices of Appearance

When filing a Notice of Appearance and adding the name of an attorney to the case, please take great care to ensure that the name is added correctly. Enter the names of the attorney and party separately. For example, do not:

- Pick yourself as filer. The docket text will read:
Notice of Appearance and Request for Notice with Certificate of Service Filed Laura Lawyer of Lawyers R Us on behalf of Laura Lawyer.
- Add c/o Adam Attorney Creditor Company. The docket text will read:
Notice of Appearance and Request for Notice with Certificate of Service Filed by Laura Lawyer of Lawyers R Us on behalf of c/o Adam Attorney Creditor Company.

Due to errors in selecting the correct event when filing an “Entry of Appearance,” the Notice of Appearance event has been replicated in CM/ECF and named Entry of Appearance. Use of either event is correct.

Reaffirmation Agreements

Please remember to include your phone number on the Reaffirmation coversheet or somewhere on the document.

E-Order Format

Remember to use the correct format for electronic orders. A four (4) inch margin must be left blank at the top of the front page of the order so that the judge can affix a signature in the space.

Changes in Email Address

If you change an email address that you registered for electronic filing, you must update your CM/ECF account.

If email addresses are not updated and the Court receives bounce back email messages, the CM/ECF account will be deactivated until a valid email address is entered.

To change the email address, access CM/ECF > Utilities > Maintain Your ECF Account. From the main screen, select Email information. You may change your primary and any secondary addresses (up to 4 addresses) on this page. When added, select Return to Account screen. Click Submit. The email address is changed.

Revised Pay Advice/Employee Income Record Cover Sheet

The pay advice cover sheet had been revised to permit a debtor to state that he or she has no income. The revised form is available on the Court's website at Court > Resources > Forms > Local Forms Number 12 or at http://www.okwb.uscourts.gov/forms_pubs.asp. Corrective entries will NOT be entered for failure to use the most recently promulgated version of the form.

Unclaimed Funds Creditor Listing

Unclaimed funds can now be searched on the Court's website at Court > Unclaimed Funds, <http://www.okwb.uscourts.gov/UnclaimedFunds.asp>.

Declarations on Amended Schedules and/or Matrix

Local Rule 1009 requires that "all amendments be verified or contain an unsworn declaration to the same extent as was required of the original document." If an amended schedule or matrix is filed without a verification or declaration signed personally or electronically by the debtor(s) and the filing attorney, a corrective entry will be docketed.

Additionally, ensure that the declaration or verification filed with an amendment includes the correct number of pages. At least one software program reflects the number of pages filed incorrectly. The Clerk's Office is unable to ascertain whether the number of pages is wrong or whether pages were not filed. Correction is required.

Electronic Signatures

The proper format (included in the Style Guide) for an electronic signature is:

s/Barry Barrister

Barry Barrister (Bar Number)

Barry's Firm

Barry's Address

Barry's City, State, Zip Code

Barry's Phone Number

Barry's Email Address

s/Barry Barrister

Barry Barrister (OBA #00010)

Barrister & Barrister

123 Legal Way

Oklahoma City, OK 73102

(405) 555-5555

barry.barrister@barrister.com

Reopening for Failure to File Timely Financial Management Certificates

If a case is administratively closed for failure to file a financial management course certificate of completion timely, a request to reopen the case may be made only by filing a written motion to reopen.

New CM/ECF Events

The following events have recently been added to CM/ECF:

Bankruptcy > Other > Declaration

Bankruptcy > Other > Entry of Appearance

Bankruptcy > Motion > Objection to Discharge

Bankruptcy > Motion > Exceed Page Limit

Bankruptcy > Chapter 11 > Exceed Page Limit

Bankruptcy > Chapter 11 > Certificate of Publication

Attorney Errors

The U.S. Bankruptcy Court for the Western District of Oklahoma has implemented a new program to assist case administrators with the performance of their duties. The new program, Case Management Assist or CMA, also tracks errors made in CM/ECF filing. In the near future, the Court will have the ability to notify attorneys of the precise nature of errors made within a specified period.

Corrective Entry Reminders

To AVOID having corrective entries docketed in your cases, read and observe the following suggestions:

1. **SIGN ALL PLEADINGS.** About one-third of all corrective entries are docketed because the pleading does not include the personal or electronic signature of the filer. A signature is required by FRCP Rule 11. If petition documents are not filed simultaneously, a coversheet with the attorney's personal or electronic signature is required with each subsequent filing. For example, if only the first three pages of the petition are filed on Monday and the Schedules are filed on Tuesday, a coversheet personally or electronically signed by the filing attorney must be included. **Monthly operating reports** must have the signature of the filing attorney.
2. **Upload orders** using the appropriate CM/ECF category events—either Bankruptcy events or Adversary events. A proposed order in an adversary case should not be uploaded using the event found under bankruptcy.
3. Do not attach a **locked transcript** to a filing. Locked transcripts are designated with a lock beside the docket entry.
4. Ensure that all **Certificates of Service** are correct by reviewing the Court's template located at www.okwb.uscourts.gov, Court > Resources > Forms and reviewing Local Forms, 2, Certificate of Service.
5. When filing one document that contains **both a motion and objection**, the document must **be filed twice**. File the document using the motion event and the objection event. Since these are in different categories of CM/ECF, a filer may not hold the Control (Ctrl) key and select both events.
6. Conversion of a **Chapter 13** bankruptcy to a Chapter 7 bankruptcy is completed by **Notice of Conversion** and not by motion.